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FOREIGN PATENT SUBCOMMITTEE

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February 13, 1981

The tenth meeting of the Foreign Patent Subcommittee was held in the New York office on Friday, February 13, 1981, and was attended by the following members: Messrs. Adkins, Clarke, Kothe, Palmer and Resnik. Dr. Helmut Gaisch attended in place of Dr. Hausermann.

I. REVIEW OF CURRENT CASES\*

The Subcommittee recommended the following foreign filings of the cases covered by Dr. Inskeep's memoranda of November 18 and December 30, 1980:

- PM 908 (Web Sectioning Apparatus with Adjustable Knife Engagement/Gillespie, Dingus): Brazil, Great Britain, Italy, the Netherlands, Switzerland, West Germany.
- PM 904 (Method for Recycling Cellulosic Waste Materials from Tobacco Products Manufacture/Semp, Teng, Keritsis): Australia, Canada, France, Switzerland, West Germany.
- PM 814 (Process for Expansion of Tobacco/Aument, Burde, Utsch): Australia, Canada, Switzerland, West Germany. (Possible later filings on non-Convention basis, subject to developments in the United States case.)
- PM 858 (Cigarette/Hale): Australia, Canada and EPO for Great Britain, Italy, Switzerland and West Germany.
- PM 703 (Improved Smoking Compositions/Seeman): Australia, Canada and EPO for France, Great Britain, Switzerland and West Germany.
- PM 921 (Method and Apparatus for Embossing Foil/David, Bowling): Australia, Canada, Italy and EPO for France, Great Britain, Switzerland and West Germany.
- PM 877 (Apparatus and Method for Moisture Measurement/Steinbrecher): Australia, Canada, Great Britain, Switzerland, West Germany.

\*At its February 11 meeting the Patent Committee confirmed the recommendation to file PM 808 and PM 867A in the countries listed in Mr. Adkins's January 19 memorandum to the Subcommittee. The Committee also agreed that PM 867B should be filed in any of the countries where PM 808 is to be filed and a Convention priority for PM 867B may still be claimed.

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- PM 807 (Reconstituted Tobacco Flavor Component/Daylor, Keel, Spielberg, Swain): None.
- PM 874 (Cigarette with Reduced CO to Tar Ratio/Jenkins, Bass): None.
- PM 911B (Dual Path Web Transport and Processing Apparatus with Radiant Energy Directing Means/Grollimund, Martin): EPO for France, Great Britain, Switzerland and West Germany.
- PM 911A (Web Transport Apparatus/Grollimund): Australia.
- PM 892B (Web Marking Apparatus and Method/Grollimund, Spiers): Australia.
- PM 892A (Beam Alignment Tool and Method/Grollimund, Martin): Australia.
- PM 847 (Method for Applying Particulate Matter to Tobacco/Nichols): Great Britain.

Although lacking recommendations from Research & Development at the time of the meeting, the Subcommittee tentatively agreed to the following foreign filings of cases covered by Dr. Inskeep's memorandum of February 5, 1981:

- PM 832 (Process for Increasing Filling Power of Reconstituted Tobacco/Banyasz): Argentina, Australia, Brazil, Canada, France, Great Britain, Japan, the Netherlands, Switzerland, Venezuela, West Germany.
- PM 927 (Filter/Maxwell): None.
- PM 949 (Tobacco Recovery from Stemmary Discards/Burde, Mait, Utsch): None.
- PM 976 (Dispensing Assembly for Ammonium Carbamate Production/Washington, Utsch, Fillenwarth): None.

As to the latter three cases the Subcommittee left open the possibility of publication or a single application (perhaps in Australia) for defensive purposes.

## II. COORDINATION WITH PME

There was further discussion of how to improve the coordination of patent matters between the United States and Europe. Dr. Gaisch suggested that consideration be given to a more unified approach, perhaps using the same patent counsel for PM, PME and FTR in certain European countries of major interest such as West Germany. Mr. Palmer stated that the present arrangement, whereby

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all interested parties are notified of proposed action in time to have input, is working satisfactorily. He suggested, as a possible improvement in the system, that the full Committee hold fewer and longer meetings (for example, three per year) with greater participation by PME and FTR. The Subcommittee could be retained to deal with emergency situations between Committee meetings.

### III. MISCELLANEOUS

A. Deproteination (Protagoras). Dr. Gaisch reported that FTR had decided to file the priority application in West Germany rather than Luxembourg in view of a recent change in West German law that has rendered it equally attractive as a country of first filing.

B. Malaucene. Despite our stringent efforts to protect the secrecy of the Malaucene laser perforation technology, Malaucene has expressed some concern about our efforts to obtain patent protection for certain PM improvements. Dr. Gaisch offered to investigate the cause of this concern and the Subcommittee agreed that he should do so.

C. Maintenance Review. Mr. Adkins pointed out that in connection with the recent review of cases maintained by Watson Leavenworth, it was not the Subcommittee's intention to limit PME's review to Swiss patents recommended for abandonment. Since PME and FTR are officially represented on the Subcommittee by Dr. Hausermann or his proxy, their input was not merely welcome but expected. (Since the last Subcommittee meeting, the PME Patent Committee had recommended maintenance of the Swiss counterparts of the following cases that the Subcommittee had recommended abandoned:

<u>PM #</u>	<u>WLKT #</u>	<u>Swiss Patent #</u>
427	582-488A	442,110
428	582-468	449,497
-	582-457	450,261
455	582-488E	451,782
506A	582-552	486,310
506B	582-560	508,358
480	582-527B	526,278
538	582-703	547,610
539	582-704	561,026
586	582-766	566,729
599	582-780	567,926
592	582-769	581,962
588	582-765	587,029
602	582-783	593,635

Absent any contrary suggestion from Committee members, these patents should be maintained until the next maintenance review.)

D. International Filings. There was discussion of the advantages and disadvantages of EPO and PCT applications. It was

pointed out that the latter merely defers certain initial prosecution expense (such as translation costs) since it is not an alternative to individual national applications. The experience with EPO applications is still limited and there are some indications that, particularly in certain countries, an EPO patent may be harder to defend and enforce than a national patent in those countries.

E. Barclay. It was noted that a meeting would be held in London in March to discuss further the overall patent position relative to Barclay. Among those attending the meeting would be Messrs. Bass, Kothe and Mandiratta and Drs. Gaisch and Hach.

*bc*  
G. Carlton Adkins

March 2, 1981

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